

Approved by:

KRISTEN DORFMAN

Special Assistant United States Attorney

ORIGINAL

Before: THE HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

21 MAG 11861(MRG)

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UNITED STATES OF AMERICA :

MISDEMEANOR
COMPLAINT

-v- :

Violation of
18 U.S. Code 1801

Darryle R. Griffin II :

Defendant :

COUNTY OF OFFENSE:
ORANGE

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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, ss.:::

KAYLEE CLAYBROOK, being duly sworn, deposes and says that she is a Court Liaison, assigned to the United States Military Academy, West Point, New York, and charges as follows:

COUNT ONE

On or about November 17, 2020, on the West Point Military Reservation, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, DARRYLE R. GRIFFIN II, the defendant, unlawfully, knowingly, and willfully had the intent to capture an image of a private area of an individual without their consent, and knowingly did so under circumstances in which the individual has a reasonable expectation of privacy, to wit, the defendant set up a cell phone to record the changing area of the female Cadet shower area in Mac Long Barracks.

(Title 18, United States Code, Section 1801(a))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about November 17, 2020, Cadet Grace Keith reported to her tactical officer, Major Thomas Correll, that she found an unknown cellular phone recording in the female Cadet shower area. Major Correll contacted West Point Criminal Investigative Division (CID) to investigate. Cadet Keith stated that she found the cellular phone in her shower cubby with the camera lens facing the changing area. CID SA Santino Carlos was assigned to the investigate the case. Major Correll told SA Carlos that Cadet Keith had given the phone to her roommate Cadet Kamrin Rosling who then provided the phone to SFC Eric Engstrom, their Tactical Noncommissioned Officer. Major Correll stated that the defendant, who is a custodian in the building, came to him asking if anyone had seen his phone.
3. At approximately 4:43 p.m. on November 17, 2020, Military Police Investigator (MPI), INV Kobiee Voakes, interviewed Cadet Keith and she stated that she found the cellular phone in her shower cubby with the camera lens facing the changing area. The phone was powered on and locked. The phone screen was active with buttons showing at the bottom. Cadet Keith provided a written statement of the incident.
4. At approximately 4:54 p.m., on November 17, 2020, MPI INV Jennifer Lynch interviewed Cadet Chase Campbell who stated that she had spoken to the defendant prior to showering. She further indicated that Cadet Keith had told her that she found an unknown cell phone in her shower cubby.
5. On November 18, 2020, at approximately 10:00 a.m., SA Timothy Rains and INV Nicholas Ardinger, met with SFC Engstrom to retrieve the phone. SFC Engstrom stated after receiving the phone from Cadet Rosling he sealed it in white paper and placed it in a locked drawer. SFC Engstrom that on November 17, 2020, at approximately 12:45 p.m., he was approached by the defendant indicating he was looking for his phone that he accidentally left in the female Cadet

bathroom. SFC Engstrom stated that the defendant told him he sets up the phone in the shower cubby because the acoustics were better to listen to music. The defendant showed him a second phone in the male Cadet bathroom that was set up in a similar way. SFC Engstrom stated the set up did not make sense to him as the first phone was resting on the speakers on a pile of wash cloths and there was a towel hanging in front of the phone, further dampening the sounds of the phone. Also, the phone that had been found was not playing music at the time it was found. SFC Engstrom described the second phone as an IPhone with three cameras.

6. On November 20, 2020, at approximately 1:20 p.m., the defendant granted consent to search his phone. SA Rains attempted to conduct a n examination of the cellphone using the Cellebrite UFED 4PC device but it was unsuccessful. A manual search of the phone revealed application called Alfred Camera Application. An open-source search of this application revealed it to be a low cost security camera, pet and baby monitor. According to the website, the application is installed on two phones and you sign into each application using the users Gmail Account. The website advertised motion detection, two-way communication, and a low light filter. When SA Rains activated the application on the cell phone, he discovered power-save mode in which the screen was dark and three function buttons appeared at the lower portion of the screen.

7. At approximately 3:35 p.m., SA Rains advised the defendant of his rights, which he waived and acknowledged the phone that was found in the female bathroom belonged to him. He stated he cleans several bathroom floors in the barracks and he sprays bleach in the showers and lets it sit for a period of time to treat mold and mildew stains. He stated he let the bleach sit over lunch, when he went back to the bathroom to get his equipment, someone asked if they could the use the bathroom. He stated he told them he would done in a few minutes and then left. He realized that he left his phone in the bathroom. He stated he first went to the men's bathroom looking for his phone and when he went to the female bathroom someone was in the shower so he waited. When it was clear, he went into the bathroom and discovered the phone was missing. The defendant stated that custodians are not allowed to wear headphones in the barracks, so he places his phone the lower shower cubby behind the Cadets shower caddy for better acoustics when he listens to music aloud. He stated he always puts his phone

in this position in both the male or female bathroom. The defendant stated that he listens to music from his phone through the YouTube App, using his Iphone as a hotspot because the connection was faster. He identified the Alfred Camera App on his phone as an App he used as a baby monitor at home. The defendant denied using the Alfred App on his phone to view females in the bathroom.

5. The defendant was processed and issued a United States District Court Violation for Video Voyeurism (6716580/SY10).

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



KAYLEE CLAYBROOK
Court Liaison

Sworn to before me this
10th day of December, 2021



HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York